



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REMAX CHECK REALTY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC, MND, MNSD, FF

### Introduction

On June 6, 2016, the Landlord submitted an Application for Dispute Resolution requesting a monetary order for money owed or compensation for damage or loss under the Act, Regulations, or tenancy agreement; for a monetary order for damage to the unit; to keep the security deposit; and to recover the cost of the filing fee. The matter was set for a conference call hearing.

The Landlord's agent ("the Landlord") attended the teleconference hearing; however, the Tenant did not. The Landlord testified that she does not know the Tenant's residential address. The Landlord testified that the Notice of Hearing was sent to the address of the Tenant's place of business.

The Landlord requested that her Application be dismissed with leave to reapply.

Since the Tenant did not appear at the hearing, I grant the Landlord's request to have the Application dismissed with leave to reapply.

If the Landlord reapplies for dispute resolution she is cautioned that if the Tenant does not attend the hearing, the Landlord will have to provide sufficient evidence to the Arbitrator to prove that the address used for service is in fact the address at which the Tenant resides at the time of mailing.

Section 71 of the Act states that the director may order that a notice, order, process or other document may be served by substituted service in accordance with the order. The director may make any of the following orders:

- (a) that a document must be served in a manner the director considers necessary, despite sections 88 *[how to give or serve documents generally]* and 89 *[special rules for certain documents]*;
- (b) that a document has been sufficiently served for the purposes of this Act on a date the director specifies;
- (c) that a document not served in accordance with section 88 or 89 is sufficiently given or served for purposes of this Act.

The Landlord's Application dated June 6, 2016 is dismissed with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 23, 2016

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Residential Tenancy Branch